



Rep. Randy Ramey, Jr.

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09700HB5214ham002

LRB097 18776 HEP 67182 a

1 AMENDMENT TO HOUSE BILL 5214

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5214 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 1-144.5, 6-206.1, and 6-303, and 11-501 and  
6 by adding Section 1-111.9a as follows:

7 (625 ILCS 5/1-111.9a new)

8 Sec. 1-111.9a. Continuous alcohol monitoring device. A  
9 device that automatically tests breath, blood, or transdermal  
10 alcohol concentration levels at least once every hour and  
11 detects tamper attempts, regardless of the location of the  
12 person who is being monitored, and regularly transmits the  
13 data.

14 (625 ILCS 5/1-144.5)

15 Sec. 1-144.5. Monitoring device driving permit. A permit

1 that allows a person whose driver's license has been summarily  
2 suspended under Section 11-501.1 to drive a vehicle, for the  
3 applicable period described in Section 6-206.1, if the vehicle  
4 is equipped with an ignition interlock device as defined in  
5 Section 1-129.1 or if the person abstains from alcohol and  
6 wears a continuous alcohol monitoring device as defined in  
7 Section 1-111.9a.

8 (Source: P.A. 95-400, eff. 1-1-09.)

9 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

10 Sec. 6-206.1. Monitoring Device Driving Permit.  
11 Declaration of Policy. It is hereby declared a policy of the  
12 State of Illinois that the driver who is impaired by alcohol,  
13 other drug or drugs, or intoxicating compound or compounds is a  
14 threat to the public safety and welfare. Therefore, to provide  
15 a deterrent to such practice, a statutory summary driver's  
16 license suspension is appropriate. It is also recognized that  
17 driving is a privilege and therefore, that the granting of  
18 driving privileges, in a manner consistent with public safety,  
19 is warranted during the period of suspension in the form of a  
20 monitoring device driving permit. A person who drives and fails  
21 to comply with the requirements of the monitoring device  
22 driving permit commits a violation of Section 6-303 of this  
23 Code.

24 The following procedures shall apply whenever a first  
25 offender, as defined in Section 11-500 of this Code, is

1 arrested for any offense as defined in Section 11-501 or a  
2 similar provision of a local ordinance and is subject to the  
3 provisions of Section 11-501.1:

4 (a) Upon mailing of the notice of suspension of driving  
5 privileges as provided in subsection (h) of Section 11-501.1 of  
6 this Code, the Secretary shall also send written notice  
7 informing the person that he or she will be issued a monitoring  
8 device driving permit (MDDP). The notice shall include, at  
9 minimum, information summarizing the procedure to be followed  
10 for issuance of the MDDP, installation of the breath alcohol  
11 ignition installation device (BAIID) or fitting of the  
12 continuous alcohol monitoring device, as provided in this  
13 Section, exemption from BAIID installation requirements, and  
14 procedures to be followed by those seeking indigent status, as  
15 provided in this Section. The notice shall also include  
16 information summarizing the procedure to be followed if the  
17 person wishes to decline issuance of the MDDP. A copy of the  
18 notice shall also be sent to the court of venue together with  
19 the notice of suspension of driving privileges, as provided in  
20 subsection (h) of Section 11-501. However, a MDDP shall not be  
21 issued if the Secretary finds that:

22 (1) The offender's driver's license is otherwise  
23 invalid;

24 (2) Death or great bodily harm resulted from the arrest  
25 for Section 11-501;

26 (3) The offender has been previously convicted of

1 reckless homicide or aggravated driving under the  
2 influence involving death; or

3 (4) The offender is less than 18 years of age.

4 Any offender participating in the MDDP program must pay the  
5 Secretary a MDDP Administration Fee in an amount not to exceed  
6 \$30 per month, to be deposited into the Monitoring Device  
7 Driving Permit Administration Fee Fund. The Secretary shall  
8 establish by rule the amount and the procedures, terms, and  
9 conditions relating to these fees. The offender must have an  
10 ignition interlock device installed or be fitted with a  
11 continuous alcohol monitoring device within 14 days of the date  
12 the Secretary issues the MDDP. The ignition interlock device or  
13 continuous alcohol monitoring device provider must notify the  
14 Secretary, in a manner and form prescribed by the Secretary, of  
15 the installation or fitting. If the Secretary does not receive  
16 notice of installation or fitting, the Secretary shall cancel  
17 the MDDP.

18 A MDDP shall not become effective prior to the 31st day of  
19 the original statutory summary suspension.

20 Upon receipt of the notice, as provided in paragraph (a) of  
21 this Section, the person may file a petition to decline  
22 issuance of the MDDP with the court of venue. The court shall  
23 admonish the offender of all consequences of declining issuance  
24 of the MDDP including, but not limited to, the enhanced  
25 penalties for driving while suspended. After being so  
26 admonished, the offender shall be permitted, in writing, to

1 execute a notice declining issuance of the MDDP. This notice  
2 shall be filed with the court and forwarded by the clerk of the  
3 court to the Secretary. The offender may, at any time  
4 thereafter, apply to the Secretary for issuance of a MDDP.

5 (a-1) A person issued a MDDP may drive for any purpose and  
6 at any time, subject to the rules adopted by the Secretary  
7 under subsection (g). The person must, at his or her own  
8 expense, wear on his or her ankle a continuous alcohol  
9 monitoring device as defined in Section 1-111.9a or drive only  
10 vehicles equipped with an ignition interlock device as defined  
11 in Section 1-129.1, but in no event shall such person drive a  
12 commercial motor vehicle.

13 (a-2) Persons who are issued a MDDP and must drive  
14 employer-owned vehicles in the course of their employment  
15 duties may seek permission to drive an employer-owned vehicle  
16 that does not have an ignition interlock device. The employer  
17 shall provide to the Secretary a form, as prescribed by the  
18 Secretary, completed by the employer verifying that the  
19 employee must drive an employer-owned vehicle in the course of  
20 employment. If approved by the Secretary, the form must be in  
21 the driver's possession while operating an employer-owner  
22 vehicle not equipped with an ignition interlock device. No  
23 person may use this exemption to drive a school bus, school  
24 vehicle, or a vehicle designed to transport more than 15  
25 passengers. No person may use this exemption to drive an  
26 employer-owned motor vehicle that is owned by an entity that is

1 wholly or partially owned by the person holding the MDDP, or by  
2 a family member of the person holding the MDDP. No person may  
3 use this exemption to drive an employer-owned vehicle that is  
4 made available to the employee for personal use. No person may  
5 drive the exempted vehicle more than 12 hours per day, 6 days  
6 per week.

7 (a-3) Persons who are issued a MDDP and who must drive a  
8 farm tractor to and from a farm, within 50 air miles from the  
9 originating farm are exempt from installation of a BAIID on the  
10 farm tractor, so long as the farm tractor is being used for the  
11 exclusive purpose of conducting farm operations.

12 (b) (Blank).

13 (c) (Blank).

14 (c-1) If the holder of the MDDP is convicted of or receives  
15 court supervision for a violation of Section 6-206.2, 6-303,  
16 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar  
17 provision of a local ordinance or a similar out-of-state  
18 offense or is convicted of or receives court supervision for  
19 any offense for which alcohol or drugs is an element of the  
20 offense and in which a motor vehicle was involved (for an  
21 arrest other than the one for which the MDDP is issued), or  
22 de-installs the BAIID or removes the continuous alcohol  
23 monitoring device without prior authorization from the  
24 Secretary, the MDDP shall be cancelled.

25 (c-2) If the holder of the MDDP has been fitted with a  
26 continuous alcohol monitoring device and the continuous

1 alcohol monitoring device detects the presence of alcohol in  
2 the person's system, the person shall be required to install an  
3 ignition interlock device and shall be subject to the rules  
4 governing ignition interlock devices. If, after giving notice  
5 of the requirement to install the ignition interlock device,  
6 the Secretary does not receive notice of installation of an  
7 ignition interlock device within 14 days, the Secretary shall  
8 cancel the MDDP.

9 (c-5) If the Secretary determines that the person seeking  
10 the MDDP is indigent, the Secretary shall provide the person  
11 with a written document as evidence of that determination, and  
12 the person shall provide that written document to an ignition  
13 interlock device provider. The provider shall install an  
14 ignition interlock device on that person's vehicle without  
15 charge to the person, and seek reimbursement from the Indigent  
16 BAIID Fund. If the Secretary has deemed an offender indigent,  
17 the BAIID provider shall also provide the normal monthly  
18 monitoring services and the de-installation without charge to  
19 the offender and seek reimbursement from the Indigent BAIID  
20 Fund. Any other monetary charges, such as a lockout fee or  
21 reset fee, shall be the responsibility of the MDDP holder. A  
22 BAIID provider may not seek a security deposit from the  
23 Indigent BAIID Fund. Nothing in this subsection (c-5) gives a  
24 person who is indigent the right to be fitted with a continuous  
25 alcohol monitoring device without payment of fees.

26 (d) MDDP information shall be available only to the courts,

1 police officers, and the Secretary, except during the actual  
2 period the MDDP is valid, during which time it shall be a  
3 public record.

4 (e) (Blank).

5 (f) (Blank).

6 (g) The Secretary shall adopt rules for implementing this  
7 Section. The rules adopted shall address issues including, but  
8 not limited to: compliance with the requirements of the MDDP;  
9 methods for determining compliance with those requirements;  
10 the consequences of noncompliance with those requirements;  
11 what constitutes a violation of the MDDP; methods for  
12 determining indigency; and the duties of a person or entity  
13 that supplies the ignition interlock device or continuous  
14 alcohol monitoring device.

15 (h) The rules adopted under subsection (g) shall provide,  
16 at a minimum, that the person is not in compliance with the  
17 requirements of the MDDP if he or she:

18 (1) tampers or attempts to tamper with or circumvent  
19 the proper operation of the ignition interlock device or  
20 continuous alcohol monitoring device;

21 (2) provides valid breath samples that register blood  
22 alcohol levels in excess of the number of times allowed  
23 under the rules;

24 (3) fails to provide evidence sufficient to satisfy the  
25 Secretary that the ignition interlock device has been  
26 installed in the designated vehicle or vehicles or that the

1 person has been fitted with a continuous alcohol monitoring  
2 device; or

3 (4) fails to follow any other applicable rules adopted  
4 by the Secretary.

5 (i) Any person or entity that supplies an ignition  
6 interlock device as provided under this Section shall, in  
7 addition to supplying only those devices which fully comply  
8 with all the rules adopted under subsection (g), provide the  
9 Secretary, within 7 days of inspection, all monitoring reports  
10 of each person who has had an ignition interlock device  
11 installed. These reports shall be furnished in a manner or form  
12 as prescribed by the Secretary.

13 (i-5) A person or entity that supplies a continuous alcohol  
14 monitoring device as provided under this Section shall, in  
15 addition to supplying only those devices which fully comply  
16 with all the rules adopted under subsection (g), provide the  
17 Secretary, within 7 days of inspection, all monitoring reports  
18 of each person who has been fitted with a continuous alcohol  
19 monitoring device. These reports shall be furnished in a manner  
20 or form as prescribed by the Secretary.

21 (j) Upon making a determination that a violation of the  
22 requirements of the MDDP has occurred, the Secretary shall  
23 extend the summary suspension period for an additional 3 months  
24 beyond the originally imposed summary suspension period,  
25 during which time the person shall only be allowed to drive  
26 while fitted with a continuous alcohol monitoring device or

1 drive vehicles equipped with an ignition interlock device;  
2 provided further there are no limitations on the total number  
3 of times the summary suspension may be extended. The Secretary  
4 may, however, limit the number of extensions imposed for  
5 violations occurring during any one monitoring period, as set  
6 forth by rule. Any person whose summary suspension is extended  
7 pursuant to this Section shall have the right to contest the  
8 extension through a hearing with the Secretary, pursuant to  
9 Section 2-118 of this Code. If the summary suspension has  
10 already terminated prior to the Secretary receiving the  
11 monitoring report that shows a violation, the Secretary shall  
12 be authorized to suspend the person's driving privileges for 3  
13 months, provided that the Secretary may, by rule, limit the  
14 number of suspensions to be entered pursuant to this paragraph  
15 for violations occurring during any one monitoring period. Any  
16 person whose license is suspended pursuant to this paragraph,  
17 after the summary suspension had already terminated, shall have  
18 the right to contest the suspension through a hearing with the  
19 Secretary, pursuant to Section 2-118 of this Code. The only  
20 permit the person shall be eligible for during this new  
21 suspension period is a MDDP.

22 (k) A person who has had his or her summary suspension  
23 extended for the third time, or has any combination of 3  
24 extensions and new suspensions, entered as a result of a  
25 violation that occurred while holding the MDDP, so long as the  
26 extensions and new suspensions relate to the same summary

1 suspension, shall have his or her vehicle impounded for a  
2 period of 30 days, at the person's own expense. A person who  
3 has his or her summary suspension extended for the fourth time,  
4 or has any combination of 4 extensions and new suspensions,  
5 entered as a result of a violation that occurred while holding  
6 the MDDP, so long as the extensions and new suspensions relate  
7 to the same summary suspension, shall have his or her vehicle  
8 subject to seizure and forfeiture. The Secretary shall notify  
9 the prosecuting authority of any third or fourth extensions or  
10 new suspension entered as a result of a violation that occurred  
11 while the person held a MDDP. Upon receipt of the notification,  
12 the prosecuting authority shall impound or forfeit the vehicle.  
13 The impoundment or forfeiture of a vehicle shall be conducted  
14 pursuant to the procedure specified in Article 36 of the  
15 Criminal Code of 1961.

16 (1) A person whose driving privileges have been suspended  
17 under Section 11-501.1 of this Code and who had a MDDP that was  
18 cancelled, or would have been cancelled had notification of a  
19 violation been received prior to expiration of the MDDP,  
20 pursuant to subsection (c-1) of this Section, shall not be  
21 eligible for reinstatement when the summary suspension is  
22 scheduled to terminate. Instead, the person's driving  
23 privileges shall be suspended for a period of not less than  
24 twice the original summary suspension period, or for the length  
25 of any extensions entered under subsection (j), whichever is  
26 longer. During the period of suspension, the person shall be

1 eligible only to apply for a restricted driving permit. If a  
2 restricted driving permit is granted, the offender may only  
3 operate vehicles equipped with a BAIID in accordance with this  
4 Section.

5 (m) Any person or entity that supplies an ignition  
6 interlock device under this Section shall, for each ignition  
7 interlock device installed, pay 5% of the total gross revenue  
8 received for the device, including monthly monitoring fees,  
9 into the Indigent BAIID Fund. This 5% shall be clearly  
10 indicated as a separate surcharge on each invoice that is  
11 issued. The Secretary shall conduct an annual review of the  
12 fund to determine whether the surcharge is sufficient to  
13 provide for indigent users. The Secretary may increase or  
14 decrease this surcharge requirement as needed.

15 (n) Any person or entity that supplies an ignition  
16 interlock device under this Section that is requested to  
17 provide an ignition interlock device to a person who presents  
18 written documentation of indigency from the Secretary, as  
19 provided in subsection (c-5) of this Section, shall install the  
20 device on the person's vehicle without charge to the person and  
21 shall seek reimbursement from the Indigent BAIID Fund.

22 (o) The Indigent BAIID Fund is created as a special fund in  
23 the State treasury. The Secretary shall, subject to  
24 appropriation by the General Assembly, use all money in the  
25 Indigent BAIID Fund to reimburse ignition interlock device  
26 providers who have installed devices in vehicles of indigent

1 persons. The Secretary shall make payments to such providers  
2 every 3 months. If the amount of money in the fund at the time  
3 payments are made is not sufficient to pay all requests for  
4 reimbursement submitted during that 3 month period, the  
5 Secretary shall make payments on a pro-rata basis, and those  
6 payments shall be considered payment in full for the requests  
7 submitted.

8 (p) The Monitoring Device Driving Permit Administration  
9 Fee Fund is created as a special fund in the State treasury.  
10 The Secretary shall, subject to appropriation by the General  
11 Assembly, use the money paid into this fund to offset its  
12 administrative costs for administering MDDPs.

13 (q) The Secretary is authorized to prescribe such forms as  
14 it deems necessary to carry out the provisions of this Section.  
15 (Source: P.A. 96-184, eff. 8-10-09; 96-1526, eff. 2-14-11;  
16 97-229; eff. 7-28-11; revised 10-4-11.)

17 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

18 Sec. 6-303. Driving while driver's license, permit or  
19 privilege to operate a motor vehicle is suspended or revoked.

20 (a) Except as otherwise provided in subsection (a-5), any  
21 person who drives or is in actual physical control of a motor  
22 vehicle on any highway of this State at a time when such  
23 person's driver's license, permit or privilege to do so or the  
24 privilege to obtain a driver's license or permit is revoked or  
25 suspended as provided by this Code or the law of another state,

1 except as may be specifically allowed by a judicial driving  
2 permit issued prior to January 1, 2009, monitoring device  
3 driving permit, family financial responsibility driving  
4 permit, probationary license to drive, or a restricted driving  
5 permit issued pursuant to this Code or under the law of another  
6 state, shall be guilty of a Class A misdemeanor.

7 (a-5) Any person who violates this Section as provided in  
8 subsection (a) while his or her driver's license, permit or  
9 privilege is revoked because of a violation of Section 9-3 of  
10 the Criminal Code of 1961, relating to the offense of reckless  
11 homicide or a similar provision of a law of another state, is  
12 guilty of a Class 4 felony. The person shall be required to  
13 undergo a professional evaluation, as provided in Section  
14 11-501 of this Code, to determine if an alcohol, drug, or  
15 intoxicating compound problem exists and the extent of the  
16 problem, and to undergo the imposition of treatment as  
17 appropriate.

18 (b) (Blank).

19 (b-1) Upon receiving a report of the conviction of any  
20 violation indicating a person was operating a motor vehicle  
21 during the time when the person's driver's license, permit or  
22 privilege was suspended by the Secretary of State or the  
23 driver's licensing administrator of another state, except as  
24 specifically allowed by a probationary license, judicial  
25 driving permit, restricted driving permit or monitoring device  
26 driving permit the Secretary shall extend the suspension for

1 the same period of time as the originally imposed suspension  
2 unless the suspension has already expired, in which case the  
3 Secretary shall be authorized to suspend the person's driving  
4 privileges for the same period of time as the originally  
5 imposed suspension.

6 (b-2) Except as provided in subsection (b-6), upon  
7 receiving a report of the conviction of any violation  
8 indicating a person was operating a motor vehicle when the  
9 person's driver's license, permit or privilege was revoked by  
10 the Secretary of State or the driver's license administrator of  
11 any other state, except as specifically allowed by a restricted  
12 driving permit issued pursuant to this Code or the law of  
13 another state, the Secretary shall not issue a driver's license  
14 for an additional period of one year from the date of such  
15 conviction indicating such person was operating a vehicle  
16 during such period of revocation.

17 (b-3) (Blank).

18 (b-4) When the Secretary of State receives a report of a  
19 conviction of any violation indicating a person was operating a  
20 motor vehicle that was not equipped with an ignition interlock  
21 device during a time when the person was prohibited from  
22 operating a motor vehicle not equipped with such a device, the  
23 Secretary shall not issue a driver's license to that person for  
24 an additional period of one year from the date of the  
25 conviction.

26 (b-5) Any person convicted of violating this Section shall

1 serve a minimum term of imprisonment of 30 consecutive days or  
2 300 hours of community service when the person's driving  
3 privilege was revoked or suspended as a result of a violation  
4 of Section 9-3 of the Criminal Code of 1961, as amended,  
5 relating to the offense of reckless homicide, or a similar  
6 provision of a law of another state.

7 (b-6) Upon receiving a report of a first conviction of  
8 operating a motor vehicle while the person's driver's license,  
9 permit or privilege was revoked where the revocation was for a  
10 violation of Section 9-3 of the Criminal Code of 1961 relating  
11 to the offense of reckless homicide or a similar out-of-state  
12 offense, the Secretary shall not issue a driver's license for  
13 an additional period of three years from the date of such  
14 conviction.

15 (c) Except as provided in subsections (c-3) and (c-4), any  
16 person convicted of violating this Section shall serve a  
17 minimum term of imprisonment of 10 consecutive days or 30 days  
18 of community service when the person's driving privilege was  
19 revoked or suspended as a result of:

20 (1) a violation of Section 11-501 of this Code or a  
21 similar provision of a local ordinance relating to the  
22 offense of operating or being in physical control of a  
23 vehicle while under the influence of alcohol, any other  
24 drug or any combination thereof; or

25 (2) a violation of paragraph (b) of Section 11-401 of  
26 this Code or a similar provision of a local ordinance

1 relating to the offense of leaving the scene of a motor  
2 vehicle accident involving personal injury or death; or

3 (3) a statutory summary suspension or revocation under  
4 Section 11-501.1 of this Code.

5 Such sentence of imprisonment or community service shall  
6 not be subject to suspension in order to reduce such sentence.

7 (c-1) Except as provided in subsections (c-5) and (d), any  
8 person convicted of a second violation of this Section shall be  
9 ordered by the court to serve a minimum of 100 hours of  
10 community service.

11 (c-2) In addition to other penalties imposed under this  
12 Section, the court may impose on any person convicted a fourth  
13 time of violating this Section any of the following:

14 (1) Seizure of the license plates of the person's  
15 vehicle.

16 (2) Immobilization of the person's vehicle for a period  
17 of time to be determined by the court.

18 (c-3) Any person convicted of a violation of this Section  
19 during a period of summary suspension imposed pursuant to  
20 Section 11-501.1 when the person was eligible for a MDDP shall  
21 be guilty of a Class 4 felony and shall serve a minimum term of  
22 imprisonment of 30 days.

23 (c-4) Any person who has been issued a MDDP and who is  
24 convicted of a violation of this Section as a result of  
25 operating or being in actual physical control of a motor  
26 vehicle not equipped with an ignition interlock device or in

1 actual physical control of a vehicle while not fitted with a  
2 continuous alcohol monitoring device at the time of the offense  
3 shall be guilty of a Class 4 felony and shall serve a minimum  
4 term of imprisonment of 30 days.

5 (c-5) Any person convicted of a second violation of this  
6 Section is guilty of a Class 2 felony, is not eligible for  
7 probation or conditional discharge, and shall serve a mandatory  
8 term of imprisonment, if the revocation or suspension was for a  
9 violation of Section 9-3 of the Criminal Code of 1961, relating  
10 to the offense of reckless homicide, or a similar out-of-state  
11 offense.

12 (d) Any person convicted of a second violation of this  
13 Section shall be guilty of a Class 4 felony and shall serve a  
14 minimum term of imprisonment of 30 days or 300 hours of  
15 community service, as determined by the court, if the original  
16 revocation or suspension was for a violation of Section 11-401  
17 or 11-501 of this Code, or a similar out-of-state offense, or a  
18 similar provision of a local ordinance, or a statutory summary  
19 suspension or revocation under Section 11-501.1 of this Code.

20 (d-1) Except as provided in subsections (d-2), (d-2.5), and  
21 (d-3), any person convicted of a third or subsequent violation  
22 of this Section shall serve a minimum term of imprisonment of  
23 30 days or 300 hours of community service, as determined by the  
24 court.

25 (d-2) Any person convicted of a third violation of this  
26 Section is guilty of a Class 4 felony and must serve a minimum

1 term of imprisonment of 30 days if the revocation or suspension  
2 was for a violation of Section 11-401 or 11-501 of this Code,  
3 or a similar out-of-state offense, or a similar provision of a  
4 local ordinance, or a statutory summary suspension or  
5 revocation under Section 11-501.1 of this Code.

6 (d-2.5) Any person convicted of a third violation of this  
7 Section is guilty of a Class 1 felony, is not eligible for  
8 probation or conditional discharge, and must serve a mandatory  
9 term of imprisonment if the revocation or suspension was for a  
10 violation of Section 9-3 of the Criminal Code of 1961, relating  
11 to the offense of reckless homicide, or a similar out-of-state  
12 offense. The person's driving privileges shall be revoked for  
13 the remainder of the person's life.

14 (d-3) Any person convicted of a fourth, fifth, sixth,  
15 seventh, eighth, or ninth violation of this Section is guilty  
16 of a Class 4 felony and must serve a minimum term of  
17 imprisonment of 180 days if the revocation or suspension was  
18 for a violation of Section 11-401 or 11-501 of this Code, or a  
19 similar out-of-state offense, or a similar provision of a local  
20 ordinance, or a statutory summary suspension or revocation  
21 under Section 11-501.1 of this Code.

22 (d-3.5) Any person convicted of a fourth or subsequent  
23 violation of this Section is guilty of a Class 1 felony, is not  
24 eligible for probation or conditional discharge, and must serve  
25 a mandatory term of imprisonment, and is eligible for an  
26 extended term, if the revocation or suspension was for a

1 violation of Section 9-3 of the Criminal Code of 1961, relating  
2 to the offense of reckless homicide, or a similar out-of-state  
3 offense.

4 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
5 thirteenth, or fourteenth violation of this Section is guilty  
6 of a Class 3 felony, and is not eligible for probation or  
7 conditional discharge, if the revocation or suspension was for  
8 a violation of Section 11-401 or 11-501 of this Code, or a  
9 similar out-of-state offense, or a similar provision of a local  
10 ordinance, or a statutory summary suspension or revocation  
11 under Section 11-501.1 of this Code.

12 (d-5) Any person convicted of a fifteenth or subsequent  
13 violation of this Section is guilty of a Class 2 felony, and is  
14 not eligible for probation or conditional discharge, if the  
15 revocation or suspension was for a violation of Section 11-401  
16 or 11-501 of this Code, or a similar out-of-state offense, or a  
17 similar provision of a local ordinance, or a statutory summary  
18 suspension or revocation under Section 11-501.1 of this Code.

19 (e) Any person in violation of this Section who is also in  
20 violation of Section 7-601 of this Code relating to mandatory  
21 insurance requirements, in addition to other penalties imposed  
22 under this Section, shall have his or her motor vehicle  
23 immediately impounded by the arresting law enforcement  
24 officer. The motor vehicle may be released to any licensed  
25 driver upon a showing of proof of insurance for the vehicle  
26 that was impounded and the notarized written consent for the

1 release by the vehicle owner.

2 (f) For any prosecution under this Section, a certified  
3 copy of the driving abstract of the defendant shall be admitted  
4 as proof of any prior conviction.

5 (g) The motor vehicle used in a violation of this Section  
6 is subject to seizure and forfeiture as provided in Sections  
7 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
8 driving privilege was revoked or suspended as a result of a  
9 violation listed in paragraph (1) or (2) of subsection (c) of  
10 this Section, as a result of a summary suspension or revocation  
11 as provided in paragraph (3) of subsection (c) of this Section,  
12 or as a result of a violation of Section 9-3 of the Criminal  
13 Code of 1961 relating to the offense of reckless homicide.

14 (Source: P.A. 95-27, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400,  
15 eff. 1-1-09; 95-578, eff. 6-1-08; 95-876, eff. 8-21-08; 95-991,  
16 eff. 6-1-09; 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;  
17 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11.)

18 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

19 Sec. 11-501. Driving while under the influence of alcohol,  
20 other drug or drugs, intoxicating compound or compounds or any  
21 combination thereof.

22 (a) A person shall not drive or be in actual physical  
23 control of any vehicle within this State while:

24 (1) the alcohol concentration in the person's blood or  
25 breath is 0.08 or more based on the definition of blood and

1 breath units in Section 11-501.2;

2 (2) under the influence of alcohol;

3 (3) under the influence of any intoxicating compound or  
4 combination of intoxicating compounds to a degree that  
5 renders the person incapable of driving safely;

6 (4) under the influence of any other drug or  
7 combination of drugs to a degree that renders the person  
8 incapable of safely driving;

9 (5) under the combined influence of alcohol, other drug  
10 or drugs, or intoxicating compound or compounds to a degree  
11 that renders the person incapable of safely driving; or

12 (6) there is any amount of a drug, substance, or  
13 compound in the person's breath, blood, or urine resulting  
14 from the unlawful use or consumption of cannabis listed in  
15 the Cannabis Control Act, a controlled substance listed in  
16 the Illinois Controlled Substances Act, an intoxicating  
17 compound listed in the Use of Intoxicating Compounds Act,  
18 or methamphetamine as listed in the Methamphetamine  
19 Control and Community Protection Act.

20 (b) The fact that any person charged with violating this  
21 Section is or has been legally entitled to use alcohol, other  
22 drug or drugs, or intoxicating compound or compounds, or any  
23 combination thereof, shall not constitute a defense against any  
24 charge of violating this Section.

25 (c) Penalties.

26 (1) Except as otherwise provided in this Section, any

1 person convicted of violating subsection (a) of this  
2 Section is guilty of a Class A misdemeanor.

3 (2) A person who violates subsection (a) or a similar  
4 provision a second time shall be sentenced to a mandatory  
5 minimum term of either 5 days of imprisonment or 240 hours  
6 of community service in addition to any other criminal or  
7 administrative sanction.

8 (3) A person who violates subsection (a) is subject to  
9 6 months of imprisonment, an additional mandatory minimum  
10 fine of \$1,000, and 25 days of community service in a  
11 program benefiting children if the person was transporting  
12 a person under the age of 16 at the time of the violation.

13 (4) A person who violates subsection (a) a first time,  
14 if the alcohol concentration in his or her blood, breath,  
15 or urine was 0.16 or more based on the definition of blood,  
16 breath, or urine units in Section 11-501.2, shall be  
17 subject, in addition to any other penalty that may be  
18 imposed, to a mandatory minimum of 100 hours of community  
19 service and a mandatory minimum fine of \$500.

20 (5) A person who violates subsection (a) a second time,  
21 if at the time of the second violation the alcohol  
22 concentration in his or her blood, breath, or urine was  
23 0.16 or more based on the definition of blood, breath, or  
24 urine units in Section 11-501.2, shall be subject, in  
25 addition to any other penalty that may be imposed, to a  
26 mandatory minimum of 2 days of imprisonment and a mandatory

1 minimum fine of \$1,250.

2 (d) Aggravated driving under the influence of alcohol,  
3 other drug or drugs, or intoxicating compound or compounds, or  
4 any combination thereof.

5 (1) Every person convicted of committing a violation of  
6 this Section shall be guilty of aggravated driving under  
7 the influence of alcohol, other drug or drugs, or  
8 intoxicating compound or compounds, or any combination  
9 thereof if:

10 (A) the person committed a violation of subsection  
11 (a) or a similar provision for the third or subsequent  
12 time;

13 (B) the person committed a violation of subsection  
14 (a) while driving a school bus with persons 18 years of  
15 age or younger on board;

16 (C) the person in committing a violation of  
17 subsection (a) was involved in a motor vehicle accident  
18 that resulted in great bodily harm or permanent  
19 disability or disfigurement to another, when the  
20 violation was a proximate cause of the injuries;

21 (D) the person committed a violation of subsection  
22 (a) and has been previously convicted of violating  
23 Section 9-3 of the Criminal Code of 1961 or a similar  
24 provision of a law of another state relating to  
25 reckless homicide in which the person was determined to  
26 have been under the influence of alcohol, other drug or

1 drugs, or intoxicating compound or compounds as an  
2 element of the offense or the person has previously  
3 been convicted under subparagraph (C) or subparagraph  
4 (F) of this paragraph (1);

5 (E) the person, in committing a violation of  
6 subsection (a) while driving at any speed in a school  
7 speed zone at a time when a speed limit of 20 miles per  
8 hour was in effect under subsection (a) of Section  
9 11-605 of this Code, was involved in a motor vehicle  
10 accident that resulted in bodily harm, other than great  
11 bodily harm or permanent disability or disfigurement,  
12 to another person, when the violation of subsection (a)  
13 was a proximate cause of the bodily harm;

14 (F) the person, in committing a violation of  
15 subsection (a), was involved in a motor vehicle,  
16 snowmobile, all-terrain vehicle, or watercraft  
17 accident that resulted in the death of another person,  
18 when the violation of subsection (a) was a proximate  
19 cause of the death;

20 (G) the person committed a violation of subsection  
21 (a) during a period in which the defendant's driving  
22 privileges are revoked or suspended, where the  
23 revocation or suspension was for a violation of  
24 subsection (a) or a similar provision, Section  
25 11-501.1, paragraph (b) of Section 11-401, or for  
26 reckless homicide as defined in Section 9-3 of the

1 Criminal Code of 1961;

2 (H) the person committed the violation while he or  
3 she did not possess a driver's license or permit or a  
4 restricted driving permit or a judicial driving permit  
5 or a monitoring device driving permit;

6 (I) the person committed the violation while he or  
7 she knew or should have known that the vehicle he or  
8 she was driving was not covered by a liability  
9 insurance policy;

10 (J) the person in committing a violation of  
11 subsection (a) was involved in a motor vehicle accident  
12 that resulted in bodily harm, but not great bodily  
13 harm, to the child under the age of 16 being  
14 transported by the person, if the violation was the  
15 proximate cause of the injury; or

16 (K) the person in committing a second violation of  
17 subsection (a) or a similar provision was transporting  
18 a person under the age of 16.

19 (2) (A) Except as provided otherwise, a person  
20 convicted of aggravated driving under the influence of  
21 alcohol, other drug or drugs, or intoxicating compound or  
22 compounds, or any combination thereof is guilty of a Class  
23 4 felony.

24 (B) A third violation of this Section or a similar  
25 provision is a Class 2 felony. If at the time of the third  
26 violation the alcohol concentration in his or her blood,

1 breath, or urine was 0.16 or more based on the definition  
2 of blood, breath, or urine units in Section 11-501.2, a  
3 mandatory minimum of 90 days of imprisonment and a  
4 mandatory minimum fine of \$2,500 shall be imposed in  
5 addition to any other criminal or administrative sanction.  
6 If at the time of the third violation, the defendant was  
7 transporting a person under the age of 16, a mandatory fine  
8 of \$25,000 and 25 days of community service in a program  
9 benefiting children shall be imposed in addition to any  
10 other criminal or administrative sanction.

11 (C) A fourth violation of this Section or a similar  
12 provision is a Class 2 felony, for which a sentence of  
13 probation or conditional discharge may not be imposed. If  
14 at the time of the violation, the alcohol concentration in  
15 the defendant's blood, breath, or urine was 0.16 or more  
16 based on the definition of blood, breath, or urine units in  
17 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
18 be imposed in addition to any other criminal or  
19 administrative sanction. If at the time of the fourth  
20 violation, the defendant was transporting a person under  
21 the age of 16 a mandatory fine of \$25,000 and 25 days of  
22 community service in a program benefiting children shall be  
23 imposed in addition to any other criminal or administrative  
24 sanction.

25 (D) A fifth violation of this Section or a similar  
26 provision is a Class 1 felony, for which a sentence of

1           probation or conditional discharge may not be imposed. If  
2           at the time of the violation, the alcohol concentration in  
3           the defendant's blood, breath, or urine was 0.16 or more  
4           based on the definition of blood, breath, or urine units in  
5           Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
6           be imposed in addition to any other criminal or  
7           administrative sanction. If at the time of the fifth  
8           violation, the defendant was transporting a person under  
9           the age of 16, a mandatory fine of \$25,000, and 25 days of  
10          community service in a program benefiting children shall be  
11          imposed in addition to any other criminal or administrative  
12          sanction.

13           (E) A sixth or subsequent violation of this Section or  
14          similar provision is a Class X felony. If at the time of  
15          the violation, the alcohol concentration in the  
16          defendant's blood, breath, or urine was 0.16 or more based  
17          on the definition of blood, breath, or urine units in  
18          Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
19          be imposed in addition to any other criminal or  
20          administrative sanction. If at the time of the violation,  
21          the defendant was transporting a person under the age of  
22          16, a mandatory fine of \$25,000 and 25 days of community  
23          service in a program benefiting children shall be imposed  
24          in addition to any other criminal or administrative  
25          sanction.

26           (F) For a violation of subparagraph (C) of paragraph

1 (1) of this subsection (d), the defendant, if sentenced to  
2 a term of imprisonment, shall be sentenced to not less than  
3 one year nor more than 12 years.

4 (G) A violation of subparagraph (F) of paragraph (1) of  
5 this subsection (d) is a Class 2 felony, for which the  
6 defendant, unless the court determines that extraordinary  
7 circumstances exist and require probation, shall be  
8 sentenced to: (i) a term of imprisonment of not less than 3  
9 years and not more than 14 years if the violation resulted  
10 in the death of one person; or (ii) a term of imprisonment  
11 of not less than 6 years and not more than 28 years if the  
12 violation resulted in the deaths of 2 or more persons.

13 (H) For a violation of subparagraph (J) of paragraph  
14 (1) of this subsection (d), a mandatory fine of \$2,500, and  
15 25 days of community service in a program benefiting  
16 children shall be imposed in addition to any other criminal  
17 or administrative sanction.

18 (I) A violation of subparagraph (K) of paragraph (1) of  
19 this subsection (d), is a Class 2 felony and a mandatory  
20 fine of \$2,500, and 25 days of community service in a  
21 program benefiting children shall be imposed in addition to  
22 any other criminal or administrative sanction. If the child  
23 being transported suffered bodily harm, but not great  
24 bodily harm, in a motor vehicle accident, and the violation  
25 was the proximate cause of that injury, a mandatory fine of  
26 \$5,000 and 25 days of community service in a program

1           benefiting children shall be imposed in addition to any  
2           other criminal or administrative sanction.

3           (J) A violation of subparagraph (D) of paragraph (1) of  
4           this subsection (d) is a Class 3 felony, for which a  
5           sentence of probation or conditional discharge may not be  
6           imposed.

7           (3) Any person sentenced under this subsection (d) who  
8           receives a term of probation or conditional discharge must  
9           serve a minimum term of either 480 hours of community  
10          service or 10 days of imprisonment as a condition of the  
11          probation or conditional discharge in addition to any other  
12          criminal or administrative sanction.

13          (e) Any reference to a prior violation of subsection (a) or  
14          a similar provision includes any violation of a provision of a  
15          local ordinance or a provision of a law of another state or an  
16          offense committed on a military installation that is similar to  
17          a violation of subsection (a) of this Section.

18          (f) The imposition of a mandatory term of imprisonment or  
19          assignment of community service for a violation of this Section  
20          shall not be suspended or reduced by the court.

21          (g) Any penalty imposed for driving with a license that has  
22          been revoked for a previous violation of subsection (a) of this  
23          Section shall be in addition to the penalty imposed for any  
24          subsequent violation of subsection (a).

25          (h) For any prosecution under this Section, a certified  
26          copy of the driving abstract of the defendant shall be admitted

1 as proof of any prior conviction.

2 (i) A person sentenced for a violation of this Section who,  
3 as a condition of supervision, probation, or conditional  
4 discharge is required to be fitted with a continuous alcohol  
5 monitoring device as defined by Section 1-111.9a of this Code,  
6 must be fitted with the continuous alcohol monitoring device by  
7 an in-county provider.

8 (Source: P.A. 95-149, eff. 8-14-07; 95-355, eff. 1-1-08;  
9 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-778, eff. 8-4-08;  
10 95-876, eff. 8-21-08; 96-289, eff. 8-11-09.)

11 Section 10. The Unified Code of Corrections is amended by  
12 changing Section 5-6-1 as follows:

13 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

14 Sec. 5-6-1. Sentences of Probation and of Conditional  
15 Discharge and Disposition of Supervision. The General Assembly  
16 finds that in order to protect the public, the criminal justice  
17 system must compel compliance with the conditions of probation  
18 by responding to violations with swift, certain and fair  
19 punishments and intermediate sanctions. The Chief Judge of each  
20 circuit shall adopt a system of structured, intermediate  
21 sanctions for violations of the terms and conditions of a  
22 sentence of probation, conditional discharge or disposition of  
23 supervision.

24 (a) Except where specifically prohibited by other

1 provisions of this Code, the court shall impose a sentence of  
2 probation or conditional discharge upon an offender unless,  
3 having regard to the nature and circumstance of the offense,  
4 and to the history, character and condition of the offender,  
5 the court is of the opinion that:

6 (1) his imprisonment or periodic imprisonment is  
7 necessary for the protection of the public; or

8 (2) probation or conditional discharge would deprecate  
9 the seriousness of the offender's conduct and would be  
10 inconsistent with the ends of justice; or

11 (3) a combination of imprisonment with concurrent or  
12 consecutive probation when an offender has been admitted  
13 into a drug court program under Section 20 of the Drug  
14 Court Treatment Act is necessary for the protection of the  
15 public and for the rehabilitation of the offender.

16 The court shall impose as a condition of a sentence of  
17 probation, conditional discharge, or supervision, that the  
18 probation agency may invoke any sanction from the list of  
19 intermediate sanctions adopted by the chief judge of the  
20 circuit court for violations of the terms and conditions of the  
21 sentence of probation, conditional discharge, or supervision,  
22 subject to the provisions of Section 5-6-4 of this Act.

23 (b) The court may impose a sentence of conditional  
24 discharge for an offense if the court is of the opinion that  
25 neither a sentence of imprisonment nor of periodic imprisonment  
26 nor of probation supervision is appropriate.

1           (b-1) Subsections (a) and (b) of this Section do not apply  
2 to a defendant charged with a misdemeanor or felony under the  
3 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
4 the Criminal Code of 1961 if the defendant within the past 12  
5 months has been convicted of or pleaded guilty to a misdemeanor  
6 or felony under the Illinois Vehicle Code or reckless homicide  
7 under Section 9-3 of the Criminal Code of 1961.

8           (c) The court may, upon a plea of guilty or a stipulation  
9 by the defendant of the facts supporting the charge or a  
10 finding of guilt, defer further proceedings and the imposition  
11 of a sentence, and enter an order for supervision of the  
12 defendant, if the defendant is not charged with: (i) a Class A  
13 misdemeanor, as defined by the following provisions of the  
14 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 11-1.50 or  
15 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of  
16 Section 21-1; paragraph (1) through (5), (8), (10), and (11) of  
17 subsection (a) of Section 24-1; (ii) a Class A misdemeanor  
18 violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care  
19 for Animals Act; or (iii) a felony. If the defendant is not  
20 barred from receiving an order for supervision as provided in  
21 this subsection, the court may enter an order for supervision  
22 after considering the circumstances of the offense, and the  
23 history, character and condition of the offender, if the court  
24 is of the opinion that:

25           (1) the offender is not likely to commit further  
26 crimes;

1           (2) the defendant and the public would be best served  
2 if the defendant were not to receive a criminal record; and

3           (3) in the best interests of justice an order of  
4 supervision is more appropriate than a sentence otherwise  
5 permitted under this Code.

6           (c-5) Subsections (a), (b), and (c) of this Section do not  
7 apply to a defendant charged with a second or subsequent  
8 violation of Section 6-303 of the Illinois Vehicle Code  
9 committed while his or her driver's license, permit or  
10 privileges were revoked because of a violation of Section 9-3  
11 of the Criminal Code of 1961, relating to the offense of  
12 reckless homicide, or a similar provision of a law of another  
13 state.

14           (d) The provisions of paragraph (c) shall not apply to a  
15 defendant charged with violating Section 11-501 of the Illinois  
16 Vehicle Code or a similar provision of a local ordinance when  
17 the defendant has previously been:

18           (1) convicted for a violation of Section 11-501 of the  
19 Illinois Vehicle Code or a similar provision of a local  
20 ordinance or any similar law or ordinance of another state;  
21 or

22           (2) assigned supervision for a violation of Section  
23 11-501 of the Illinois Vehicle Code or a similar provision  
24 of a local ordinance or any similar law or ordinance of  
25 another state; or

26           (3) pleaded guilty to or stipulated to the facts

1 supporting a charge or a finding of guilty to a violation  
2 of Section 11-503 of the Illinois Vehicle Code or a similar  
3 provision of a local ordinance or any similar law or  
4 ordinance of another state, and the plea or stipulation was  
5 the result of a plea agreement.

6 The court shall consider the statement of the prosecuting  
7 authority with regard to the standards set forth in this  
8 Section.

9 (e) The provisions of paragraph (c) shall not apply to a  
10 defendant charged with violating Section 16-25 or 16A-3 of the  
11 Criminal Code of 1961 if said defendant has within the last 5  
12 years been:

13 (1) convicted for a violation of Section 16-25 or 16A-3  
14 of the Criminal Code of 1961; or

15 (2) assigned supervision for a violation of Section  
16 16-25 or 16A-3 of the Criminal Code of 1961.

17 The court shall consider the statement of the prosecuting  
18 authority with regard to the standards set forth in this  
19 Section.

20 (f) The provisions of paragraph (c) shall not apply to a  
21 defendant charged with violating Sections 15-111, 15-112,  
22 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
23 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
24 similar provision of a local ordinance.

25 (g) Except as otherwise provided in paragraph (i) of this  
26 Section, the provisions of paragraph (c) shall not apply to a

1 defendant charged with violating Section 3-707, 3-708, 3-710,  
2 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
3 of a local ordinance if the defendant has within the last 5  
4 years been:

5 (1) convicted for a violation of Section 3-707, 3-708,  
6 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
7 provision of a local ordinance; or

8 (2) assigned supervision for a violation of Section  
9 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
10 Code or a similar provision of a local ordinance.

11 The court shall consider the statement of the prosecuting  
12 authority with regard to the standards set forth in this  
13 Section.

14 (h) The provisions of paragraph (c) shall not apply to a  
15 defendant under the age of 21 years charged with violating a  
16 serious traffic offense as defined in Section 1-187.001 of the  
17 Illinois Vehicle Code:

18 (1) unless the defendant, upon payment of the fines,  
19 penalties, and costs provided by law, agrees to attend and  
20 successfully complete a traffic safety program approved by  
21 the court under standards set by the Conference of Chief  
22 Circuit Judges. The accused shall be responsible for  
23 payment of any traffic safety program fees. If the accused  
24 fails to file a certificate of successful completion on or  
25 before the termination date of the supervision order, the  
26 supervision shall be summarily revoked and conviction

1 entered. The provisions of Supreme Court Rule 402 relating  
2 to pleas of guilty do not apply in cases when a defendant  
3 enters a guilty plea under this provision; or

4 (2) if the defendant has previously been sentenced  
5 under the provisions of paragraph (c) on or after January  
6 1, 1998 for any serious traffic offense as defined in  
7 Section 1-187.001 of the Illinois Vehicle Code.

8 (h-1) The provisions of paragraph (c) shall not apply to a  
9 defendant under the age of 21 years charged with an offense  
10 against traffic regulations governing the movement of vehicles  
11 or any violation of Section 6-107 or Section 12-603.1 of the  
12 Illinois Vehicle Code, unless the defendant, upon payment of  
13 the fines, penalties, and costs provided by law, agrees to  
14 attend and successfully complete a traffic safety program  
15 approved by the court under standards set by the Conference of  
16 Chief Circuit Judges. The accused shall be responsible for  
17 payment of any traffic safety program fees. If the accused  
18 fails to file a certificate of successful completion on or  
19 before the termination date of the supervision order, the  
20 supervision shall be summarily revoked and conviction entered.  
21 The provisions of Supreme Court Rule 402 relating to pleas of  
22 guilty do not apply in cases when a defendant enters a guilty  
23 plea under this provision.

24 (i) The provisions of paragraph (c) shall not apply to a  
25 defendant charged with violating Section 3-707 of the Illinois  
26 Vehicle Code or a similar provision of a local ordinance if the

1 defendant has been assigned supervision for a violation of  
2 Section 3-707 of the Illinois Vehicle Code or a similar  
3 provision of a local ordinance.

4 (j) The provisions of paragraph (c) shall not apply to a  
5 defendant charged with violating Section 6-303 of the Illinois  
6 Vehicle Code or a similar provision of a local ordinance when  
7 the revocation or suspension was for a violation of Section  
8 11-501 or a similar provision of a local ordinance or a  
9 violation of Section 11-501.1 or paragraph (b) of Section  
10 11-401 of the Illinois Vehicle Code if the defendant has within  
11 the last 10 years been:

12 (1) convicted for a violation of Section 6-303 of the  
13 Illinois Vehicle Code or a similar provision of a local  
14 ordinance; or

15 (2) assigned supervision for a violation of Section  
16 6-303 of the Illinois Vehicle Code or a similar provision  
17 of a local ordinance.

18 (k) The provisions of paragraph (c) shall not apply to a  
19 defendant charged with violating any provision of the Illinois  
20 Vehicle Code or a similar provision of a local ordinance that  
21 governs the movement of vehicles if, within the 12 months  
22 preceding the date of the defendant's arrest, the defendant has  
23 been assigned court supervision on 2 occasions for a violation  
24 that governs the movement of vehicles under the Illinois  
25 Vehicle Code or a similar provision of a local ordinance. The  
26 provisions of this paragraph (k) do not apply to a defendant

1 charged with violating Section 11-501 of the Illinois Vehicle  
2 Code or a similar provision of a local ordinance.

3 (1) A defendant charged with violating any provision of the  
4 Illinois Vehicle Code or a similar provision of a local  
5 ordinance who receives a disposition of supervision under  
6 subsection (c) shall pay an additional fee of \$29, to be  
7 collected as provided in Sections 27.5 and 27.6 of the Clerks  
8 of Courts Act. In addition to the \$29 fee, the person shall  
9 also pay a fee of \$6, which, if not waived by the court, shall  
10 be collected as provided in Sections 27.5 and 27.6 of the  
11 Clerks of Courts Act. The \$29 fee shall be disbursed as  
12 provided in Section 16-104c of the Illinois Vehicle Code. If  
13 the \$6 fee is collected, \$5.50 of the fee shall be deposited  
14 into the Circuit Court Clerk Operation and Administrative Fund  
15 created by the Clerk of the Circuit Court and 50 cents of the  
16 fee shall be deposited into the Prisoner Review Board Vehicle  
17 and Equipment Fund in the State treasury.

18 (m) Any person convicted of, pleading guilty to, or placed  
19 on supervision for a serious traffic violation, as defined in  
20 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
21 Section 11-501 of the Illinois Vehicle Code, or a violation of  
22 a similar provision of a local ordinance shall pay an  
23 additional fee of \$35, to be disbursed as provided in Section  
24 16-104d of that Code.

25 This subsection (m) becomes inoperative 7 years after  
26 October 13, 2007 (the effective date of Public Act 95-154).

1           (n) The provisions of paragraph (c) shall not apply to any  
2 person under the age of 18 who commits an offense against  
3 traffic regulations governing the movement of vehicles or any  
4 violation of Section 6-107 or Section 12-603.1 of the Illinois  
5 Vehicle Code, except upon personal appearance of the defendant  
6 in court and upon the written consent of the defendant's parent  
7 or legal guardian, executed before the presiding judge. The  
8 presiding judge shall have the authority to waive this  
9 requirement upon the showing of good cause by the defendant.

10           (o) The provisions of paragraph (c) shall not apply to a  
11 defendant charged with violating Section 6-303 of the Illinois  
12 Vehicle Code or a similar provision of a local ordinance when  
13 the suspension was for a violation of Section 11-501.1 of the  
14 Illinois Vehicle Code and when:

15           (1) at the time of the violation of Section 11-501.1 of  
16 the Illinois Vehicle Code, the defendant was a first  
17 offender pursuant to Section 11-500 of the Illinois Vehicle  
18 Code and the defendant failed to obtain a monitoring device  
19 driving permit or be fitted with a continuous alcohol  
20 monitoring device; or

21           (2) at the time of the violation of Section 11-501.1 of  
22 the Illinois Vehicle Code, the defendant was a first  
23 offender pursuant to Section 11-500 of the Illinois Vehicle  
24 Code, had subsequently obtained a monitoring device  
25 driving permit, but was driving a vehicle not equipped with  
26 a breath alcohol ignition interlock device as defined in

1           Section 1-129.1 of the Illinois Vehicle Code or was not  
2           fitted with a continuous alcohol monitoring device as  
3           defined in Section 1-111.9a of the Illinois Vehicle Code.

4           (p) The provisions of paragraph (c) shall not apply to a  
5           defendant charged with violating subsection (b) of Section  
6           11-601.5 of the Illinois Vehicle Code or a similar provision of  
7           a local ordinance.

8           (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;  
9           96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.  
10          7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,  
11          eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12.)".